

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

In Re: The Seizure of:) MISC NO. _____
)
(3,623) Assorted Collectible Coins, VL:)
\$35,455.00;)
(59) Assorted Jewelry, VL: \$26,562.00,)
and;)
A 2017 Ford Fusion)
VIN: 3FA6P0HD2HR106867)

CONSENT MOTION TO EXTEND TIME TO FILE JUDICIAL FORFEITURE ACTION

Pursuant to 18 U.S.C. § 983(a)(3)(A),¹ the United States, with the consent of claimant's counsel, Murdoch Walker, moves for an order extending the time in which the United States is required to file a judicial forfeiture action seeking forfeiture of assorted collectible coins, assorted jewelry and a 2017 Ford Fusion (the "Subject Assets"), which were previously seized by agents of the Drug Enforcement Administration on March 9, 2022 and April 7, 2022. The government seeks to extend the current filing deadline by 90 days, based upon the pendency of a related criminal investigation. The current deadline for filing a judicial forfeiture action is August 11, 2022. The proposed new deadline is November 9, 2022. Absent an extension, the United States will file a civil complaint for

¹18 U.S.C. § 983(a)(3)(A), provides:

Not later than 90 days after a claim has been filed, the Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Admiralty and Maritime Claims or return the property pending the filing of a complaint, except that a court in the district in which the complaint will be filed ***may extend the period for filing a complaint for good cause shown*** or upon agreement of the parties.

(Emphasis added.)

forfeiture in rem, which would be duplicative of anticipated criminal forfeiture proceedings, as referenced below.

In support of the motion, the United States would show the following:

1. Pursuant to 18 U.S.C. § 983(a)(1)(A), the government provided known potential claimant with written notice of the government's intention to administratively forfeit the Subject Assets. Dwayne Dunaway filed an administrative claim contesting forfeiture.
2. The Subject Assets are associated with a pending criminal investigation, in this district being supervised by AUSA Everett McMillian. The undersigned has confirmed with AUSA McMillian, who anticipates the filing of criminal charges, and who advises that such charges will include provisions providing for the forfeiture of the Subject Assets pursuant to Rule 32.2, Fed.R.Crim.P. and 21 U.S.C. § 853. Such criminal forfeiture proceedings would likely make the filing of parallel civil forfeiture proceedings duplicative and unnecessary.
3. The United States submits that avoiding multiple judicial forfeiture actions related to the same property constitutes "good cause" for an extension of the judicial filing deadline under 18 U.S.C. § 983(a)(3)(A).

WHEREFORE, based upon the United States' motion to extend the filing date, the government respectfully requests that the Court extend the period in which the United States is required to file a judicial forfeiture action against the Subject Assets until November 9, 2022.

Respectfully submitted,

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